

REMARKS

Claims 1-45 are pending in the application and are subject to a restriction. Applicants amended claims 27, 42 and 43.

In the restriction requirement dated June 1, 2004, the Examiner identifies the following two groups of claims:

I. Claims 1-26 are drawn to a rotary electrical machine structure, classified in class 310, subclass 261.

II. Claims 27-45 are drawn to a method of making a rotary electrical machine, classified in class 29, subclass 596.

The Examiner has required election of one of the groups for prosecution on the merits under 35 U.S.C. § 121.

The Applicants hereby provisionally elect, with traverse, Group I (claims 1-26) for further prosecution on the merits. The Applicants respectfully disagree with the propriety of the restriction requirement, and request reconsideration of the requirement.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) the inventions must be independent or distinct as claimed; and (B) there must be a serious burden on the Examiner if restriction is required. See M.P.E.P. 803. The Applicants respectfully assert that examination of the claims of Groups I and II can be made without serious burden on the Examiner. Applicants point out to the Examiner that, for example, claim one is directed to an electrical machine having an output rating comprising, among other things, a rotor and a stator. Claim 27 is directed to a method of manufacturing an electrical machine having a desired output rating comprising the acts of, among other acts, producing a rotor, and producing a stator. Both of these claims are directed to electrical machines having a rotor and stator. Applicants believe the Office will search in the substantially same classes when examining either group. Consequently, there will not be a series burden on the Examiner to examine both groups concurrently.

Applicants reserve the right to file one or more divisional and/or continuation applications with claims directed to the subject matter of the non-elected claims for which a restriction requirement is made final.

The undersigned is available during normal business hours if a telephone conversation would be helpful to advance prosecution in this application.

Respectfully submitted,


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